

JC961 U.S. PTO
08/27/01

08-29-01

Please type a plus sign (+) inside this box → PTO/SB/05 (11-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Attorney Docket No. 032580.0003.UTL

First Inventor Bardy, et al.

Title DUCKBILL-SHAPED IMPLANTABLE
CARDIOVERTER-DEFIBRILLATOR CANISTER
AND METHOD OF USE

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Express Mail Label No. EL573394982US

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JC961 U.S. PTO
08/27/01
S 09/940263**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification
(preferred arrangement set forth below) [Total Pages **[120]**]
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets **[17]**]
5. Oath or Declaration [Total Pages **[]**]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Application Cover Sheet

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/663,607 and 09/663,606

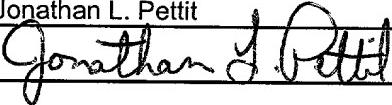
Prior application information: Examiner _____

Group Art Unit: **3737**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | | |
|---|---|-----------|--------------|--|
| <input checked="" type="checkbox"/> Customer Number or Bar Code Label | 23865 <small>[Insert Customer No. or attach bar code label here]</small> | | or | <input checked="" type="checkbox"/> Correspondence address below |
| Name | Jonathan L. Pettit | | | |
| Address | Brobeck, Phleger & Harrison LLP 12390 El Camino Real | | | |
| City | San Diego | State | CA | Zip Code |
| Country | USA | Telephone | 858/720-2500 | Fax |

| | | | |
|-------------------|---|-----------------------------------|--------------|
| Name (Print/Type) | Jonathan L. Pettit | Registration No. (Attorney/Agent) | 40,770 |
| Signature |  | | Date 8/27/01 |

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$1,525.00)

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | To be assigned |
| Filing Date | Herewith |
| First Named Inventor | Bardy |
| Examiner Name | To be assigned |
| Group Art Unit | To be assigned |
| Attorney Docket No. | 032580.0003.UTL |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated

| | |
|------------------------|---------|
| Deposit Account Number | 50-1273 |
|------------------------|---------|

| | |
|----------------------|---------------------------------|
| Deposit Account Name | Brobeck, Phleger & Harrison LLP |
|----------------------|---------------------------------|

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|----------|-----------------------|-----------------------|-----------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge – late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge – late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive – unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity Fee Code | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description | Fee Paid |
|-----------------------|----------|-----------------------|----------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 355.00 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |
| SUBTOTAL (1) | | | | \$(\$355.00) | |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|-----------|
| 150 | -20** = 130 | X 9 | = 1170.00 |

Independent Claims

3

-3** = 0

X =

| Multiple Dependent Large Entity Fee Code | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description |
|--|----------|-----------------------|----------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | | \$(\$1,170.00) |

**or number previously paid, if greater; For Reissues, see above

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY****Complete (if applicable)**

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|-----------------|
| Name (Print/Type) | Jonathan L. Pettit | Registration No. (Attorney/Agent) | 40,770 | Telephone | (858) 720-2500 |
| Signature |  | | | Date | August 27, 2001 |

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